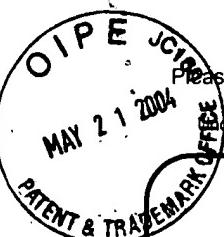


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Approved for use through 10/31/2002. OMB 0651-0031

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	08/836,369
		Filing Date	10/20/1997
		First Named Inventor	Volker Schmidt
Total Number of Pages in This Submission	5	Group Art Unit	2859
		Examiner Name	Jagan, Mirells
		Attorney Docket Number	004-1

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<b>RECEIVED</b>
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	<b>MAY 26 2004</b>
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	<b>TECH CENTER 2800</b>
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	The Commissioner is authorized to charge any additional fees to Deposit Account 502267.	

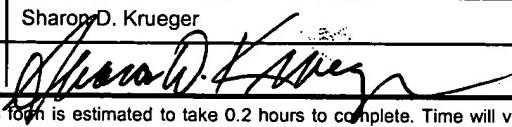
## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Charles E. Krueger	Reg No. 30,077
Signature		
Date	May 18, 2004	

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SF 1244040 v1



PATENT  
Attorney Docket No.: 004-1

2859  
41

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SCHMIDT et al.

Application No.: 08/836,369

Filed: October 20, 1997

For: TEMPERATURE –  
MEASUREMENT DEVICE WITH  
DIFFRACTIVE OPTICS (As amended)

Examiner: Jagan

Art Unit: 2859

### RESPONSE

Assistant Commissioner for Patents

Sir:

In response to the Office Action mailed 02/18/04, please consider the following remarks.

### **REMARKS**

Claims 1, 3, and 82 have been examined and are now pending in the application. Reexamination and reconsideration of all outstanding rejections and objections are requested.

Claims 1 and 82 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,368,392 (Hollander) in view of the publication titled "Unique Applications of Computer-Generated Diffractive Optical Elements" by Mokry.

Claim 1 has previously been rejected solely over the reference Hollander. In the opinion of the Board (Opinion) it is stated that the feature of the claim in dispute, i.e., not disclosed in Hollander, is "a laser aligned to illuminate a diffractive optical system to produce a diffraction pattern in the form of light intensity distribution" for the purposes of identifying and outlining the position and size of the measurement spot on the object of measurement by means of visible light. (Opinion, page 3)

The Board further states that from its study of Hollander there is no teaching or suggestion within Hollander of utilizing a diffractive optical system to produce a diffractive pattern forming light intensity distributions. (Opinion pg. 4).

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